

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CHERYL KATER and SUZIE KELLY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

CHURCHILL DOWNS INCORPORATED, a
Kentucky corporation, and BIG FISH GAMES,
INC., a Washington corporation.

Defendants.

No. 15-cv-00612-RSL

**SETTLEMENT ADMINISTRATORS'
UNOPPOSED MOTION AND
[PROPOSED] ORDER FOR
APPROVAL OF DISTRIBUTION PLAN**

Noting Date: July 6, 2021

MANASA THIMMEGOWDA, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

BIG FISH GAMES, INC., a Washington
corporation; ARISTOCRAT TECHNOLOGIES
INC., a Nevada corporation; ARISTOCRAT
LEISURE LIMITED, an Australian corporation;
and CHURCHILL DOWNS INCORPORATED,
a Kentucky corporation,

Defendants.

No. 19-cv-00199-RSL

**SETTLEMENT ADMINISTRATORS'
UNOPPOSED MOTION AND
[PROPOSED] ORDER FOR
APPROVAL OF DISTRIBUTION PLAN**

Noting Date: July 6, 2021

SEAN WILSON, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

PLAYTIKA LTD, an Israeli limited company,
and CAESARS INTERACTIVE
ENTERTAINMENT, LLC, a Delaware limited
liability company,

Defendants.

No. 18-cv-5277-RSL

**SETTLEMENT ADMINISTRATORS'
UNOPPOSED MOTION AND
[PROPOSED] ORDER FOR
APPROVAL OF DISTRIBUTION PLAN**

Noting Date: July 6, 2021

SEAN WILSON, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

HUUUGE, INC., a Delaware corporation,

Defendant.

No. 18-cv-05276-RSL

**SETTLEMENT ADMINISTRATORS'
UNOPPOSED MOTION AND
[PROPOSED] ORDER FOR
APPROVAL OF DISTRIBUTION PLAN**

Noting Date: July 6, 2021

**SETTLEMENT ADMINISTRATORS’
UNOPPOSED MOTION FOR APPROVAL OF DISTRIBUTION PLAN**

On April 22, 2021, the Court granted the Settlement Administrators’ unopposed motion to continue the deadline for payment of approved claims by sixty days. The Settlement Administrators have diligently used that time, and are now ready—subject to Court approval—to begin implementing a Distribution Plan. The Settlement Administrators jointly propose, and no Party opposes, a Distribution Plan as follow:

1. On or about July 12, 2021, the Settlement Administrators will make Initial Payments to all claimants with qualifying claims. The Initial Payments are intended to equal approximately eighty percent of the claimants’ total approved recoveries, with the remaining 20% (the “Reserve Fund”) to be distributed via supplemental distribution(s)—after completion of the challenges process—as described below.
2. By September 6, 2021, the Settlement Administrators shall provide their final recommendations to Judge Phillips (Fmr.) as to all class member challenges submitted pursuant to the previously-Court-approved process for Final Claims Determinations. Based on challenges reviewed by the Administrators to date, the Settlement Administrators anticipate making recommendations—subject to Judge Phillips’ final and nonbinding authority—on at least the following categories of challenges:
 - a. Challenges based on supplemental friend codes provided by claimants.
 - b. Challenges based on supplemental email addresses provided by claimants.
 - c. Challenges based on DRP v. Non-DRP Status.¹
 - d. Challenges based on Lifetime Spending Amounts supported by documentation.
 - e. Challenges based on Lifetime Spending Amounts not supported by documentation.
 - f. Challenges based on erroneous Lifetime Spending Amounts previously communicated by a Settlement Administrator to claimants.²
3. By October 4, 2021, Judge Phillips shall make all Final Claims Determinations.
4. As promptly thereafter as practicable, and no later than 30 days thereafter, the Claims Administrators shall make a supplemental distribution to all claimants, taking into account any approved challenges, such that the Reserve Fund is fully allocated. However, to the extent a Supplemental Distribution to a claimant would equal less than five dollars, that Supplemental Distribution shall not be paid, and instead the amount shall be distributed pro rata to claimants whose Supplemental Distribution exceeds five dollars.

¹ These challenges apply to the settlements in *Kater* (No. 15-cv-612), *Thimmegowda* (No. 19-cv-199), and *Wilson v. Huuuge* (No. 18-cv-5276). They do not apply to the settlement in *Wilson v. Playtika*. (No. 18-cv-5277).

² A limited number of such challenges have been received by Angeion Group, and approval of all such challenges would have a *de minimis* (i.e., approximately one quarter of one percent) impact on claimant recoveries. Class counsel support approval of these challenges, and Angeion Group anticipates recommending that Judge Phillips approve each such challenge.

- 1 5. Pursuant to Section 2.1 of the Settlement Agreements, to the extent that any Initial
2 Payments or Supplemental Payments are not cashed/processed by claimants, such amounts
3 shall remain in the Net Settlement Fund and shall be apportioned pro rata to participating
4 Settlement Class Members in an Additional Distribution, if practicable, with a final
payment to be made to a *cy pres* recipient in the event that an Additional Distribution is
impracticable or additional funds remain in the Net Settlement Fund after the Additional
Distribution.

5 * * *

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7 This proposed Distribution Plan is fair, equitable, and faithfully effectuates the
8 Settlement Agreements in these cases. Consequently, the Settlement Administrators jointly
9 request—and no Party opposes—that the Court grant this motion and enter the attached
10 [Proposed] Order.
11

12 Dated: July 2, 2021

Respectfully submitted,

14 **ANGEION GROUP**

15 By: Steven R. Platt

16 **Steven R. Platt**

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20 **KROLL SETTLEMENT ADMINISTRATION**

21 By: Scott M. Fenwick

22 **Scott Fenwick**

Kroll Settlement Administration

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[PROPOSED] ORDER

The Settlement Administrator's unopposed motion is **GRANTED**. The Distribution Plan is approved. **IT IS SO ORDERED.**

DATED this _____ day of _____, 2021.

ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE